

73A. NEWSTANDS ON PUBLIC SIDEWALKS

73A.01. Declaration of Policy. Subdivision 1. The Common Council recognizes that under the provisions of the First Amendment to the United States Constitution, and Article I, Section 3, of the Constitution of the State of Minnesota, a person has a right to distribute or vend newspaper and periodicals on the public sidewalks within the City. Further, that the City may restrict the time, place, and manner of the exercise by a person of the right to do so, only for a reason which is directly related to the preservation of public health, safety, and welfare. That if such a restriction is imposed, it should be no more stringent than required to accomplish the purpose of protection of the public health, safety and welfare.

Subd. 2. Findings. The Common Council finds that the unrestricted placement of unattended devices on the public sidewalks in the City to distribute or vend newspapers and periodicals has the potential to harm the public health, safety and welfare of the public; and, to interfere with the city's responsibility to provide a safe place for pedestrians, protect public facilities already in place therein, and to provide the City and adjacent property owners the opportunity to properly maintain the sidewalks in good condition. Therefore, the regulations set forth in this chapter are established to set standards governing the placement of unattended devices designed to vend or distribute newspapers and periodicals on the public streets of the City.

73A.02. Prohibition. No person shall vend or distribute newspapers or periodicals from an unattended dispensing device on the public sidewalk if the device is placed on the sidewalk in violation of any of the regulations set forth in section 73A.03.

73A.03. General Provisions. Subdivision 1. No unattended newspaper or periodical dispensing device shall be placed:

- (a) within six (6) feet of any fire hydrant, or fire alarm box,
- (b) or attached in any manner to any fire alarm box shaft, ornamental street light pole, traffic signal, parking meter or any traffic control device post;
- (c) where it projects beyond any curbline onto the roadway;
- (d) within three (3) feet of any marked crosswalk;
- (e) within three (3) feet of any curb return at any intersection;
- (f) within three (3) feet of the curb return of any driveway;
- (g) within three (3) feet of the approach to any sign marking a designated bus stop, or any designated loading space or 3 feet forward of such sign;
- (h) where it restricts access to a bus shelter or a bus bench;
- (i) where it interferes with the front and rear doors of buses;
- (j) in any handicap access ramp;
- (k) in such a manner as to reduce the clear space for the passageway of pedestrians using the sidewalk to less than eight (8) feet in the central business district, or four (4) feet in areas where the sidewalk is six (6) feet or less in width.
- (l) on any boulevard or other place planted with lawn, flowers,

shrubs or trees.

(m) so that it is bolted or permanently attached to the sidewalk surface.

(n) so that it is weighted down or anchored by any device or material which is not an integral and attached component of the dispensing device, or which is readily separable from the device by an unauthorized person or by weather conditions.

Subd. 2. A dispensing device shall only be placed near a curb or adjacent to the wall of a building. A dispensing device placed near the curb shall be placed no less than eighteen (18) inches nor more than twenty-four (24) inches from the edge of the curb. A dispensing device placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six (6) inches from the wall.

73A.04. Maximum size. An unattended automatic dispensing device for newspapers or periodicals shall not exceed five (5) feet in height, thirty (30) inches in width, or two (2) feet in depth.

73A.05. Use and Appearance. An unattended dispensing device for newspapers and periodicals shall be used solely for the distribution of newspapers, magazines and other printed materials and shall be maintained by the applicant in a state of good repair and neat appearance. In addition, the name, address, and phone number of the owner of said device or a person responsible for maintenance shall be legibly displayed thereon.

73A.06. Severability. If any section, subsection, sentence, clause or other part of this chapter should be adjudged void or of no effect, such decision shall not affect the validity of any other portions of this chapter.

(2502, 4/8/86)